

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898 (SAS)
MDL 1358

This document relates to:


*Commonwealth of Pennsylvania v. Exxon Mobil
Corporation, et al.*, Case No. 14-cv-06228

MTBE DEFENDANTS' NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that the Defendants listed in Attachment A (collectively, "MTBE Defendants") hereby move before the Honorable Shira A. Scheindlin, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, for an order (1) dismissing Counts V (trespass) and VI (Unfair Trade Practices & Consumer Protection Law) in their entirety, and (2) dismissing Count III (public nuisance) to the extent it is premised on the manufacture and/or distribution of MTBE or MTBE gasoline. The MTBE Defendants' motion is based upon their Memorandum of Law and any reply brief and/or oral argument that may be submitted or made by the MTBE Defendants in support of this motion.

December 23, 2014
New York, New York

By: _____


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*Counsel for Defendants Exxon Mobil Corporation
and ExxonMobil Oil Corporation, and on behalf
of Defendants Listed on Attachment A*

ATTACHMENT A¹

American Refining Group, Inc.
Atlantic Richfield Company
BP America Inc.
BP Amoco Chemical Company
BP Holdings North America Limited
BP p.l.c.
BP Products North America, Inc.
BP West Coast Products, LLC
Chevron Corporation
Chevron U.S.A. Inc.
Coastal Eagle Point Oil Company
ConocoPhillips
ConocoPhillips Company
Crown Central LLC
Cumberland Farms, Inc.
Duke Energy Merchants, LLC
El Paso Merchant Energy Petroleum
Company
Equilon Enterprises, LLC
Exxon Mobil Corporation
ExxonMobil Oil Corporation
George E. Warren Corporation
Getty Properties Corp.
Gulf Oil Limited Partnership

Hess Corporation
Marathon Oil Corporation
Marathon Petroleum Company LP
Marathon Petroleum Corporation
Motiva Enterprises, LLC
Nustar Terminals Operations Partnership LP
Phillips 66
Phillips 66 Company
Premcor Refining Group, Inc.
Premcor USA, Inc.
Shell Oil Company
Shell Oil Products Company LLC
Sunoco, Inc. (f/k/a Sun Company, Inc.)
Sunoco, Inc. (R&M)
Texaco Inc.
TMR Company
Total Petrochemicals & Refining USA, Inc.
TRMI-H LLC
United Refining Company
Valero Energy Corporation
Valero Marketing and Supply Company
Valero Refining and Marketing Company
Western Refining Yorktown, Inc.

¹ Defendants CITGO Petroleum Corporation, CITGO Refining and Chemicals Company, LP, Lukoil Americas Corporation, and North Atlantic Refining Ltd. have indicated that they will join in the MTBE Defendants' arguments by separate motion.